

2004 - Education House Pending Rule (Yellow)

ADMINISTRATIVE RULES REVIEW

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Legislative Session 2004

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IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2004 unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1501 through 33-1512 and 33-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. Only the sections that have changes different from the proposed rule are printed in this bulletin.

The rule change clarifies current rule language related to Sixty-Day Inspections and Withdraw from Service Authority, in accordance with Section 33-1506, Idaho Code. The rule change modifies specific school bus construction standards and approves a referenced document Standards for Idaho School Buses and Operations, October 3, 2003, in accordance with Section 33-1511, Idaho Code. The rule change removes reimbursement for routing software costs, in accordance with Section 33-1006, Idaho Code. Secondary to stakeholder input, logical and non-controversial changes between the text of the proposed rule and referenced document and the text of the pending rule and referenced document include:

- Approval date changed from October 2, 2003 to October 3, 2003;
- Referenced document establishes construction standard waiver procedure (SISBO, page 5);
- Referenced document changes brake inspection visibility requirement from mandate to recommendation (SISBO, page 6);
- Referenced document recommends multiplex wiring and allows wiring standard exemption when multiplex wiring is utilized (SISBO, pages 10 and 43);
- Referenced document removes tachometer requirement on gas powered school buses (SISBO, page 13);
- Referenced document removes visor or hood requirement under specific circumstances (SISBO, page 32);
- Referenced document allows for alternate location for static exhaust ventilation device (SISBO, page 40).

Subsequent to the Proposed Rulemaking process, which included a public hearing, the agency adopted the pending rule and approved the referenced document, Standards for Idaho School Buses and Operations, October 3, 2003 on October 3, 2003. The original text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, pages 28 through 30.

ASSISTANCE ON TECHNICAL QUESTIONS - OBTAINING COPIES: For assistance on technical questions concerning the pending rule or to obtain a copy of the approved rule by reference document (Standards for Idaho School Buses and Operations), contact Rodney D. McKnight, State Department of Education, Finance and Transportation, P.O. Box 83720, Boise, Idaho, (208) 332-6851 or fax to (208) 334-3484.

DATED this 3rd day of October, 2003.

Dr. Marilyn Howard
Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720, Boise, Idaho 83720-0027
(208) 332-6811 - (208) 332-6836 fax

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IDAPA 08, TITLE 02, CHAPTER 02

RULES GOVERNING UNIFORMITY

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, pages 28 through 30.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0301

Subsection 004.05

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules:

(4-5-00)

05. Incorporated Document. The Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 3, 2004. ~~(7-1-02)~~(____)

Section 150 (Complete Section)

150. TRANSPORTATION.

Minimum School Bus Construction Standards. All new school bus chassis and bodies must meet or exceed Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 3, 2004, as authorized in Section 33-1511, Idaho Code. ~~(7-1-02)~~(____)

Section 160, Subsections .01, .03, and .06

160. MAINTENANCE STANDARDS AND INSPECTIONS.

01. Safety. School buses will be maintained in a safe operating condition at all times. Certain equipment or parts of a school bus that are critical to its safe operation must be maintained at prescribed standards. When routine maintenance checks reveal any unsafe condition identified in the Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 3, 2004, the school district will eliminate the deficiency before returning the vehicle to service. ~~(7-1-02)~~(____)

03. Sixty-Day Inspections. At intervals of not more than sixty (60) calendar days, excluding documented out-of-use periods in excess of thirty (30) days, the board of trustees shall cause inspection to be made of each school bus operating under the authority of the board. Except that, no bus with a documented out-of-use period in excess of sixty (60) days shall be returned to service without first completing a documented sixty (60) day

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inspection. Annual inspections are considered dual purpose and also meet the sixty (60) day inspection requirement.
(Section 33-1506, Idaho Code) ()

06. Withdraw From Service Authority. Subsequent to any federal, national, or state advisory with good cause given therefor, the district shall, under the direction of the State Department of Education, withdraw from service any bus determined to be deficient in any prescribed school bus construction standard intended to safeguard life or minimize injury. No bus withdrawn from service under the provisions of this section shall be returned to service or used to transport students unless the district submits to the State Department of Education a certification of compliance specific to the school bus construction standard in question. (Section 33-1506, Idaho Code) ()

Section 170 (Complete Section)

170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.

All school districts and school bus drivers must meet or exceed the training, performance and operation requirements delineated in the Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 3, 2004.
(Section 33-1508; 33-1509, Idaho Code) (~~7-1-02~~)()

Section 190 (Complete Section)

190. PROGRAM OPERATIONS.

School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, and commercial computerized routing and scheduling software shall be delineated in Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 3, 2004. (Section 33-1006, Idaho Code) (~~7-1-02~~)()

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IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0301

NOTICE OF RULEMAKING - PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Sections 33-1501 through 33-1512 and 33-1006, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing on this rulemaking will be held as follows:

August 27, 2003 - 9 a.m. - 11 a.m.
Idaho State Department of Education
LBJ Building - 2nd floor Conference Room
650 State St., Boise, ID 83720-0027

The meeting site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 332-6811.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended rulemaking and the principle issues involved:

Current administrative rules related to Idaho's pupil transportation support program became effective July 1, 2002. Changes in administrative rule and Standards for Idaho School Buses and Operations related to new school bus construction standards, operations and bus purchasing are anticipated in response to a national advisory, legislative inquiries, legislation and concerns expressed by the State Board of Education.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the May 2003 Idaho Administrative Bulletin, Volume 03-5, Page 12. Following SBE approval of the negotiated rulemaking process, SDE disseminated information to superintendents, transportation supervisors, contractors and technicians throughout the state. Staff members from the State Department of Education presented suggested language at regional superintendents' meetings and the Idaho Pupil Transportation Summer Conference. A public hearing was held on May 28, 2003. Following input from various stakeholders, the Standards for Idaho School Buses and Operations – October 2, 2003 document has been drafted as part of the Administrative Procedures Act process. A SISBO draft, as well as a proposed rule draft, can be accessed at <http://www.sde.state.id.us/finance/transport/regulations.htm>; "Notice of Negotiated/Proposed Rulemaking".

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this rulemaking or to obtain a copy of the draft of the text of the proposed rule, contact Rodney D. McKnight, State Department of Education, Finance and Transportation, P.O. Box 83720, Boise, Idaho, (208) 332-6851 or fax to (208) 334-3484.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2003.

DATED this 26th day of June, 2003.

Dr. Marilyn Howard
Superintendent of Public Instruction
State Department of Education
650 West State Street - P.O. Box 83720
Boise, Idaho 83720-0027
(208) 332-6811
(208) 332-6836 fax

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0301

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules: (4-5-00)

01. Incorporated Document. The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession as approved on October 19, 2000. (3-30-01)

02. Document Availability. The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession are available at the Idaho State Department of Education at 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0027. (3-30-01)

03. Incorporated Document. The Idaho Standards for the Initial Certification of Professional School Personnel as approved on October 19, 2000. (3-30-01)

04. Document Availability. The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0037, and can also be accessed electronically at <http://www.sde.state.id.us/osbe>. (3-30-01)

05. Incorporated Document. The Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 2, 2004³. (~~7-1-02~~)()

06. Document Availability. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (7-1-02)

07. Incorporated Document. The Idaho Standards for Public School Driver Education and Training as approved on November 22, 2002. (5-3-03)

08. Document Availability. The Idaho Standards for Public School Driver Education and Training are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (5-3-03)

09. Incorporated Document. The Idaho Driver Education Administrative Manual as approved on October 17, 1996. (5-3-03)

10. Document Availability. The Idaho Driver Education Administrative Manual is available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

150. TRANSPORTATION.

Minimum School Bus Construction Standards. All new school bus chassis and bodies must meet or exceed Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 2, 2004³, as authorized in Section 33-1511, Idaho Code. (~~7-1-02~~)()

151. -- 159. (RESERVED).

160. MAINTENANCE STANDARDS AND INSPECTIONS.

01. Safety. School buses will be maintained in a safe operating condition at all times. Certain equipment or parts of a school bus that are critical to its safe operation must be maintained at prescribed standards.

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When routine maintenance checks reveal any unsafe condition identified in the Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 2, 200~~4~~3, the school district will eliminate the deficiency before returning the vehicle to service. (7-1-02)()

02. Annual Inspection. After completion of the annual school bus inspection, and if the school bus is approved for operation, an annual inspection sticker, indicating the year and month of inspection, will be placed in the lower, right-hand corner of the right side front windshield. The date indicated on the inspection sticker shall correlate to State Department of Education's annual school bus inspection certification report signed by pupil transportation maintenance personnel and countersigned by the district superintendent. (Section 33-1506, Idaho Code) (7-1-02)

03. Sixty-Day Inspections. At intervals of not more than sixty (60) calendar days, excluding documented out-of-use periods in excess of thirty (30) days, the board of trustees shall cause inspection to be made of each school bus operating under the authority of the board. Except that, no bus with a documented out-of-use period in excess of sixty (60) days shall be returned to service without first completing a documented sixty (60) day inspection. Annual inspections are considered dual purpose and also meet the sixty-day (60) inspection requirement. (Section 33-1506, Idaho Code) ()

034. Documentation Of Inspection. All inspections will be documented in writing. Annual inspections must be documented in writing on the form provided by the State Department of Education. (4-1-97)

045. Unsafe Vehicle. When a bus has been removed from service during a State Department of Education inspection due to an unsafe condition, the district will notify the State Department of Education on the appropriate form before the bus can be returned to service. When a bus has been found to have deficiencies that are not life-threatening, it will be repaired within thirty (30) days and the State Department of Education notified on the appropriate form. If the deficiencies cannot be repaired within thirty (30) days, the bus must be removed from service until the deficiencies have been corrected or an extension granted. (7-1-02)

06. Withdraw From Service Authority. Subsequent to any federal, national, or state advisory with good cause given therefor, the district shall, under the direction of the State Department of Education, withdraw from service any bus determined to be deficient in any prescribed school bus construction standard intended to safeguard life or minimize injury. No bus withdrawn from service under the provisions of this section shall be returned to service or used to transport students unless the district submits to the State Department of Education a certification of compliance specific to the school bus construction standard in question. (Section 33-1506, Idaho Code) ()

161. -- 169. (RESERVED).

170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.

All school districts and school bus drivers must meet or exceed the training, performance and operation requirements delineated in the Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 2, 200~~4~~3. (Section 33-1508; 33-1509, Idaho Code) (7-1-02)()

(BREAK IN CONTINUITY OF SECTIONS)

190. PROGRAM OPERATIONS.

School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, and commercial computerized routing and scheduling software shall be delineated in Standards for Idaho School Buses and Operations as approved on ~~November 15~~ October 2, 200~~4~~3. (Section 33-1006, Idaho Code) (7-1-02)()

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IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0303

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 2004, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1201, 33-1204, 33-1208, 33-1209, and 33-1254, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Completely alphabetized Section 077, "Definitions for Use with the Code of Ethics" to make it more user friendly.

The proposed rules have been amended to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 81 through 86.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Karen Gustafson at 334-2270.

DATED this 19th day of November 2003.

Karen Gustafson
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

IDAPA 08, TITLE 02, CHAPTER 02

RULES GOVERNING UNIFORMITY

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

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The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 76 through 81.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0303

SECTION 077 (Entire Section)

077. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

01. Administrative Complaint. A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. ()

02. Allegation. A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. ()

03. Certificate. A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Section 33-1201, Idaho Code). ()

04. Certificate Denial. The refusal of the state to grant a certificate for an initial or reinstatement application. ()

05. Certificate Suspension. A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. ()

06. Complaint. A signed document defining the allegation that states the specific ground or grounds for revocation, suspension or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. ()

07. Conditional Certificate. Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code). ()

08. Contract. Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. ()

09. Conviction. Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. ()

10. Educator. A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and

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Section 33-1201, Idaho Code). ()

11. Executive Committee. A decision-making body comprised of members of the Professional Standards Commission, including the chair and vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. ()

12. Education Official. An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). ()

13. Hearing. A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. ()

14. Hearing Panel. A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. ()

15. Investigation. The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Department of Education. ()

16. Minor. Any individual who is under eighteen (18) years of age. ()

17. Not-Sufficient Grounds. A determination by the Executive Committee that there is not-sufficient evidence to take action against an educator's certificate. ()

18. Principles. Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. ()

19. Reprimand. A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. ()

20. Respondent. The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. ()

21. Revocation. The invalidation of any Certificate held by the educator. ()

22. Stipulated Agreement. A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission. ()

23. Student. Any individual enrolled in any Idaho public or private school from preschool through grade 12. ()

24. Sufficient Grounds. A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint. ()

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IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0303

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1201, 33-1204, 33-1208, 33-1209, and 33-1254, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Removes the Code of Ethics as rule by reference and includes it in the administrative code. Revises the Code of Ethics to be more specific and add definitions.

FEE SUMMARY: There is no fee associated with this rule change.

NEGOTIATED RULEMAKING: A form of negotiated rulemaking was conducted. The Professional Standards Commission held a statewide hearing in June 2003, and also took written input on the proposed changes through posting on the Internet.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jimmi Sommer at 334-2270.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August 2003.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720, Boise, ID 83720-0037
Phone: 208-334-2270 / Fax: 208-334-2632

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0303

071. -- 0795. (RESERVED).

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme

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importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. ()

01. Aspirations and Commitments. ()

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills and understanding that will meet their needs now and in the future. ()

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his/her potential as an effective citizen. ()

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior, and encourage respect for other's cultures and beliefs. ()

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy. ()

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain professional principles, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. ()

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with governing boards are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. ()

02. Principle I. A professional educator abides by all federal, state, and local laws and statutes. Unethical conduct may include the conviction of any felony or misdemeanor offense as defined by Section 18-110 and Section 18-111, Idaho Code. All infractions (traffic) as defined by Section 18-113A, Idaho Code, are excluded. ()

03. Principle II. A professional educator maintains a professional relationship with all students, both inside and outside the classroom. Unethical conduct includes, but is not limited to: ()

a. Committing any act of child abuse, including physical or emotional abuse; ()

b. Committing any act of cruelty to children or any act of child endangerment; ()

c. Committing or soliciting any sexual act from any minor or any student regardless of age; ()

d. Committing any act of harassment (e.g., sexual harassment) as defined by district policy; ()

e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, or physical) with a student, regardless of age; ()

f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g. sexual innuendoes or sexual idiomatic phrases); ()

g. Taking inappropriate pictures (digital, photographic, or video) of students; ()

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- h.** Inappropriate contact with any minor or any student regardless of age using electronic media; and ()
- i.** Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency. ()
- 04. Principle III.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: ()
- a.** Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using or consuming illegal or unauthorized drugs; ()
- b.** Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; ()
- c.** Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; and, ()
- d.** Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function. ()
- e.** Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. ()
- 05. Principle IV.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: ()
- a.** Fraudulently altering or preparing materials for licensure or employment; ()
- b.** Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; ()
- c.** Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; ()
- d.** Failure to notify the state of past criminal convictions at the time of application for licensure; ()
- e.** Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers, copying, or teaching identified test items, unauthorized reading of the test to students, etc.); ()
- f.** Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; ()
- g.** Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; and, ()
- h.** Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues. ()
- 06. Principle V.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: ()
- a.** Misuse, or unauthorized use, of public or school-related funds or property; ()

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- b.** Failure to account for funds collected from students or parents; ()
- c.** Submission of fraudulent requests for reimbursement of expenses or for pay; ()
- d.** Co-mingling of public or school-related funds in personal bank account(s); ()
- e.** Use of school computers for a private business; ()
- f.** Use of school computers to deliberately view or print pornography; and, ()
- g.** Deliberate use of poor budgeting or accounting practices. ()
- 07. Principle VI. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to:** ()

 - a.** Unauthorized solicitation of students or parents of students to purchase equipment or supplies from the educator who will directly benefit; ()
 - b.** Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; ()
 - c.** Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, ()
 - d.** Soliciting, accepting or receiving a pecuniary benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. ()
- 08. Principle VII. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to:** ()

 - a.** Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and ()
 - b.** Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. ()
- 09. Principle VIII. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to:** ()

 - a.** Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency; ()
 - b.** Willfully refusing to perform the services required by a contract; and, ()
 - c.** Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. ()
- 10. Principle IX. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators, and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to:** ()

 - a.** Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); ()

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b. Failure to comply with Section 16-1619, Idaho Code, (reporting of child abuse, abandonment or neglect); and. ()

c. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. ()

11. **Principle X.** A professional educator demonstrates conduct that follows generally recognized professional principles with the right to exercise academic freedom. Unethical conduct includes, but is not limited to: ()

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; ()

b. Conduct that is detrimental to the health, welfare, discipline, or morals of students; ()

c. Conduct which is offensive to the ordinary dignity, decency, and morality of others; ()

d. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; ()

e. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; and, ()

f. Deliberately falsifying information presented to students. ()

077. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

01. **Administrative Complaint.** A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. ()

02. **Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. ()

03. **Complaint.** A signed document defining the allegation that states the specific ground or grounds for revocation, suspension or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. ()

04. **Conditional Certificate.** Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code). ()

05. **Contract.** Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. ()

06. **Conviction.** Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. ()

07. **Educator.** A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code). ()

08. **Executive Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. ()

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- 09. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). ()
- 10. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. ()
- 11. Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. ()
- 12. Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Department of Education. ()
- 13. Certificate.** A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Section 33-1201, Idaho Code). ()
- 14. Certificate Denial.** The refusal of the state to grant a certificate for an initial or reinstatement application. ()
- 15. Certificate Suspension.** A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. ()
- 16. Minor.** Any individual who is under eighteen (18) years of age. ()
- 17. Not-Sufficient Grounds.** A determination by the Executive Committee that there is not-sufficient evidence to take action against an educator's certificate. ()
- 18. Principles.** Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. ()
- 19. Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. ()
- 20. Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. ()
- 21. Revocation.** The invalidation of any Certificate held by the educator. ()
- 22. Stipulated Agreement.** A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission. ()
- 23. Student.** Any individual enrolled in any Idaho public or private school from preschool through grade 12. ()
- 24. Sufficient Grounds.** A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint. ()
- 078. -- 079. (RESERVED).**

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IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0304

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1201, 33-1203, and 33-1204, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Allows for renewal of alternate authorization for candidates who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Removes the requirement that candidates must first be identified for employment by an Idaho School district and remain employed by the district while in the alternative route preparation program. Adds a requirement that preparation of the candidate must include mentoring services and a minimum of 1 classroom observation per month until certified.

The proposed rules have been amended in response to comment and to make clarifications and clerical corrections.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 87 through 92.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Karen Gustafson at 334-2270.

DATED this 14th day of November 2003.

Karen Gustafson
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

**IDAPA 08
TITLE 02
CHAPTER 02**

RULES GOVERNING UNIFORMITY

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There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 87 through 92.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0303

SECTIONS 044, 045, and 046 (Entire Sections)

044. ALTERNATIVE AUTHORIZATION -- CONTENT SPECIALIST (EFFECTIVE JULY 1, 2006).

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable. ()

01. Initial Qualifications. ()

a. Prior to application, a candidate must hold a Bachelor's degree. ()

b. The candidate *shall meet enrollment qualifications of the alternative route preparation program.* ()

02. Alternative Route Preparation Program -- College/University Preparation. ()

a. A consortium comprised of a designee from the college/university to be attended, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. *This preparation must include mentoring and a minimum of one (1) classroom observation per month until certified.* ()

b. Prior to entering the classroom, the candidate completes eight (8) to sixteen (16) weeks of accelerated study in education pedagogy. ()

c. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. ()

d. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences. ()

e. *Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on*

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appropriate state-approved content, pedagogy, or performance assessment. ()

045. (RESERVED).

046. PARA-EDUCATOR TO TEACHER (EFFECTIVE JULY 1, 2006).

The purpose of this alternative route to certification is to encourage qualified para-educators employed in Idaho classrooms to become certificated teachers. The alternative route preparation program must be completed within five (5) calendar years from the date of admission to the program. ()

01. Initial Qualifications. Prior to application: the candidate must hold an AA/AAS degree, meet state para-educator standards, and be employed as a para-educator. Districts shall identify potential candidate with appropriate dispositions for teaching, and continue to employ candidate as para-educators. District/school provides orientation for candidate as deemed appropriate. ()

02. Alternative Route Preparation Program-College University Preparation. ()

a. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A candidate must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. ()

b. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. ()

c. Candidate shall complete all requirements for certification as provided herein. ()

047Z. -- 049. (RESERVED).

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IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0304

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1201, 33-1203, and 33-1204, Idaho Code.

PUBLIC HEARING SCHEDULE: The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below. Public hearing(s) concerning this rulemaking have been scheduled for the following date and locations: October 16, 2003 from 7:00 to 9:00 p.m (MST) by statewide video conference at the following locations:

Boise: East conference room, J.R. Williams Bldg. ("Hall of Mirrors", 700 W. State St.)

Coeur d'Alene: North Idaho College, Winton Hall, Room 22

Idaho Falls: Eastern Idaho Technical College, John. E. Christopherson Bldg., Room 371

Lewiston: Lewis-Clark State College, Sam Glenn Complex Room 50

Pocatello: Idaho State University, Library/Media Center B 06

Twin Falls: College of Southern Idaho, Shields Bldg., Room 209

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Provides for alternative routes to certification for teachers needing an emergency endorsement, individuals highly qualified in subject matter but with limited experience in educational methodology, and for para-educators.

FEE SUMMARY: There is no fee associated with this rule change.

NEGOTIATED RULEMAKING: A form of negotiated rulemaking was conducted. The Teacher Preparation Task Force met approximately 18 times and the Idaho's MOST Advisory Group met approximately 24 times since November of 2000. As well, four public hearings concerning alternative routes to certification were held in December 2002, April 2003, May 2003 and July of 2003.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jimmi Sommer at 334-2270.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0304

031. -- 0398. (RESERVED).

039. LIMITED APPROVAL ALTERNATIVES (EXPIRES JULY 1, 2006).

01. Consultant Specialist Certificate. At the request of a school district, the State Department of Education may issue a Consultant Specialist certificate to highly and uniquely qualified persons. The use of the certificate is limited to the applicant's district and is valid for one (1) year. It is intended that use of the Consultant Specialist provision be exceptional and occasional and not used as a regular hiring practice. ()

02. Letters Of Authorization (LOA). Letters of Authorization allow Idaho school districts to request emergency certification when a professional position cannot be filled with someone who has the correct certificate. Individuals considered for an LOA must have at least a baccalaureate degree and must enroll in a program to achieve full certification in the area of authorization. A request for a Letter of Authorization shall be sent to the State Department of Education. The request and supporting information will be reviewed by the Professional Standards Commission, with the final recommendation of the Commission submitted by the State Superintendent of Public Instruction for State Board of Education approval. An LOA is valid for one (1) year and may be renewed annually upon completion of nine (9) semester credit hours applicable to the standards for full certification in the area of authorization. ()

03. Limited Transitional Letter Of Approval. This non-renewable letter of approval is valid for one (1) year only. The purpose of the letter of approval is to allow a teacher with secondary certification (grades 6-12) to teach at the elementary levels (K-8) without additional student teaching, or vice versa. Other than student teaching, all other requirements for the desired certificate must be met. Upon successful completion of one (1) year of teaching while holding the Limited Transitional Letter of Approval, the educator will be eligible to hold the appropriate elementary or secondary certificate. To be eligible for a Limited Transitional Letter of Approval, the following requirements must be met: ()

- a. Must hold a valid Idaho Elementary or Secondary Teaching Certificate. ()
- b. Must provide verification of four (4) years of successful classroom teaching while holding the proper state certificate. ()
- c. Must have completed all of the requirements for the Standard Elementary Certificate, except student teaching, if the applicant currently holds a Standard Secondary Certificate. If the applicant currently holds a Standard Elementary Certificate, all of the requirements for a Standard Secondary Certificate must have been completed, except student teaching. ()
- d. Must provide the State Department of Education with written verification that a mentor teacher holding the same certificate as the one (1) the applicant is seeking will be provided for the applicant by the employing district; or be enrolled in a one (1) year supervised internship experience under the supervision of personnel from a college or university with an approved teacher preparation program. ()

04. Postsecondary Specialist. A Postsecondary Specialist Letter of Approval may be granted to teaching faculty of Idaho public postsecondary institutions, who are not otherwise certificated, upon recommendation by the postsecondary institution (dean level or above) to be eligible to teach in the public schools. It is intended that the letter of approval will be used primarily for distance education and "virtual university" programs. The Postsecondary Specialist Letter of Approval is valid for five (5) years and is renewable. ()

040. MISASSIGNMENTS - GRANDFATHERING (EXPIRES JULY 1, 2006).

01. Certificate. A person employed by a school district in a position requiring a certificate must hold a valid certificate for the service being rendered. In any situation in which a person not holding a specific endorsement is to provide educational services in a specific area, the employing district must apply to the State Department of

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Education's ~~Certification Office~~ for misassigned status to place the individual in that assignment for the school year. The district must demonstrate in a written report that it has made a good faith effort to employ properly certificated educators for those duties and that a conscientious effort is being made to remedy each specific problem. Criteria for acceptance of the report includes the following: (4-1-97)()

- a. The duties may comprise no more than one-half (1/2) of the teacher's full time assignment; (4-1-97)
- b. Teachers who are misassigned must have a minimum of six (6) semester hours of college credit in each subject area in which service is rendered; and (4-1-97)
- c. Teachers who are misassigned must comprise no more than five percent (5%) of the total number of the district's certificated, full-time teachers, or five (5) teachers, whichever is greater. Districts which have secondary schools located more than fifteen (15) miles from another secondary school may misassign up to an additional five (5) teachers upon approval of the ~~Certification Office~~ State Department of Education. However, in no circumstance will more than five (5) teachers be misassigned in any one building. (4-1-97)()

~~02. Waiver. Districts may request a waiver of the misassignment policy, according to IDAPA 08.02.01, Section 001. The waiver request must include a rationale for the misassignment. (4-1-97)~~

~~032. Effect On Accreditation. All misassignments will be noted on the accreditation report. Any misassignments not meeting the above criteria may effect accreditation. Funds will be withheld for that portion of the misassigned person's time which exceeds the criteria included in this rule if a waiver has not been approved by the State Board of Education. (4-1-97)~~

~~04. Previous Exceptions. Any teacher authorized to teach under previous exceptions to the rules of the State Board of Education, based upon service or experience before September 1978, will continue to be authorized to teach as provided for under previous rule IDAPA 08.02.03, Subsection 180.06. (4-1-97)~~

041. ALTERNATIVE CERTIFICATION (EXPIRES JULY 1, 2006).

The purpose of this program is to provide an alternative for individuals to become certificated secondary teachers in Idaho without following a standard teacher education program. The purpose of this certification is to provide an alternative for individuals with strong subject matter background but limited experience with educational methodology. Qualified applicants will begin contracted teaching earlier and will be admitted to the program using criteria that are different from existing programs but more appropriate for the circumstances. This certification is valid for three (3) years and is non-renewable. To be eligible for alternative certification, the following requirements must be satisfied: ()

01. Initial Qualifications. Prior to application: The prospective candidate must possess a baccalaureate (or higher) degree from an accredited college or university with a minimum grade point average of 2.0 on a four point zero (4.0) scale completed at least five (5) years earlier. Additionally, an applicant must hold academic credits equivalent to current major and minor requirements for secondary endorsements; be assured of full-time employment in an Idaho school district; and meet all non-academic requirements of the state of Idaho. ()

02. Teacher Trainee Program. Alternative certification is valid for two (2) years of teaching. The teacher trainee program must be completed within three (3) calendar years from the date of admission to the program. It authorizes the teacher trainee to teach only the subject(s) listed on the letter of approval and only at the secondary level. ()

a. A teacher trainee will work toward completion of the teacher trainee program through participating colleges and universities, the State Department of Education, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized two-year teacher trainee program as one of the conditions to receive recommendation for the Standard Secondary Teaching Certificate. A formal teacher trainee plan will be developed by a consortium composed of the mentor teacher, a representative from the school district, a representative of the State Department of Education, and a representative of the participating higher education institution with an approved secondary education program. Any deviation from the formal trainee plan must be approved by the consortium. The consortium will be responsible for the program design, supervision, and evaluation

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of the training. The teacher trainee program shall include: ()

i. Prior to entering the classroom, completion of nine (9) semester credit hours of pre-service training from an institution of higher education in educational course work pertinent to the education profession. ()

ii. Prior to completion of the Alternate Route Program, at least one (1) course in each of the following areas must be completed: Philosophical Foundations of Education; Psychological Foundations of Education; Methodology; Reading in the Content Area. ()

iii. Completion of a thirty (30) hour, pre-service orientation presented by the school district prior to a classroom assignment. This orientation shall include district policies, procedures, curriculum, instructional model, community characteristics, and resources. ()

iv. Completion of a four semester college/university internship. The trainee shall be enrolled in three (3) semester credit hours of internship each semester. ()

v. Completion of a six to nine (6-9) semester credit hour program during the second summer from an institution of higher learning. The pre-service and second summer program of fifteen to eighteen (15-18) semester credit hours in total shall include: philosophical, psychological, and methodological foundations of the profession, and reading in the content area. The consortium will determine the content required for the trainee, which may include both pedagogical and subject area course work. When designing the content necessary for the individual teacher trainee to complete the program, the consortium shall consider previous college credit as documented in official transcripts. Efforts will be directed to provide observation and clinical experiences during the time prior to being assigned to the classroom. ()

b. Assistance by Mentor Teachers: Each teacher trainee must be assisted by and guided throughout the two-year training period by a certificated employee of the district who has been designated as a mentor teacher. Principals must ensure that teacher trainees are provided with direct assistance, which should include close clinical supervision, especially at the beginning of the internship. ()

c. Performance Evaluations: In order to receive a consortium recommendation for the Standard Secondary Teaching Certificate, the teacher trainee must complete at least two (2) years of successful performance as a teacher under the teacher trainee program. Principals are to provide assistance to teacher trainees regarding the purpose, expectations, and procedures involved in the evaluation process and with whatever guidance may be needed. The principal shall formally evaluate the teacher trainee at least once each semester of the school year. For purposes of suspension or dismissal, teacher trainees are to be treated as non-continuing contract employees. The district may suspend or dismiss teacher trainees in accordance with the procedures as provided in Idaho Code. The Teacher Trainee Letter of Approval may be suspended or revoked if there is failure to satisfactorily and successfully complete the stages of the individualized plan within the specified time frames as established by the consortium; or failure to obtain at least a two point five (2.5) grade point average on a four point zero (4.0) scale in the college credit portion of the program. Also, no individual grade can be lower than a "C"; or any other causes for suspension or revocation as found in Section 33-1208, Idaho Code. ()

d. The teacher trainee, upon successful completion of the teacher trainee program as verified by the consortium, will be eligible to apply for a Standard Secondary Teaching Certificate. The two (2) years of experience as a teacher trainee shall be counted toward continuing contract status as authorized in Section 33-515, Idaho Code. ()

042. ALTERNATE ROUTES TO CERTIFICATION (EFFECTIVE JULY 1, 2006).

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Individuals who are currently employed as Para-Educators, individuals who are currently certificated to teach but who are in need of emergency certification in another area, and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. ()

043. ALTERNATIVE AUTHORIZATION – TEACHER TO NEW CERTIFICATION (EFFECTIVE JULY 1, 2006).

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The purpose of this alternative authorization is to allow Idaho school districts to request emergency endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification. Alternative authorization in this area is valid for three (3) years and is nonrenewable. ()

01. Initial Qualifications. Prior to application, a candidate must hold a Bachelor's degree, and a valid Idaho teacher certificate without full endorsement in content area of need. The school district must declare an emergency and provide supportive information attesting to the ability of the candidate to fill the position. ()

02. Alternative Route Preparation Program. ()

a. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. Candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. ()

b. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. ()

c. Candidate shall meet all requirements for the endorsement/certificate as provided herein. ()

044. ALTERNATIVE AUTHORIZATION – CONTENT SPECIALIST (EFFECTIVE JULY 1, 2006).

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable. ()

01. Initial Qualifications. ()

a. Prior to application, a candidate must hold a Bachelor's degree. ()

b. The candidate must be identified for employment by an Idaho school district. The candidate must remain employed by the district while in the alternative route preparation program. ()

c. The candidate shall meet enrollment qualifications of the college/university offering the alternative route preparation program. ()

d. Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state-approved content, pedagogy, or performance assessment. ()

02. Alternative Route Preparation Program. ()

a. A consortium comprised of a designee from the college/university to be attended, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. ()

b. Prior to entering the classroom, the candidate completes eight (8) to sixteen (16) weeks of accelerated study in education pedagogy. ()

c. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one of the conditions to receive a recommendation for full certification. ()

d. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences. ()

045. PARA-EDUCATOR TO TEACHER (EFFECTIVE JULY 1, 2006).

The purpose of this alternative route to certification is to encourage qualified para-educators employed in Idaho classrooms to become certificated teachers. ()

2004 - Education House Pending Rule (Yellow)

01. Initial Qualifications. Prior to application: the candidate must hold an AA/AAS degree, meet state para-educator standards, and be employed as a para-educator. Districts shall identify potential candidate with appropriate dispositions for teaching, and continue to employ candidate as para-educators. District/school provides orientation for candidate as deemed appropriate. ()

02. Alternative Route Preparation Program. Alternative certification is valid for two (2) years of teaching. The alternative route preparation program must be completed within three (3) calendar years from the date of admission to the program. ()

a. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one of the conditions to receive a recommendation for full certification. ()

b. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. ()

c. Candidate shall complete all requirements for certification as provided herein. ()

0446. -- 049. (RESERVED).

2004 - Education House Pending Rule (Yellow)

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105(1) and 33-107(3), 33-116, 33-118, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Clarifies when and what measures local school boards can use as an alternate measure for the graduation requirement. Outlines a phased in approach for a graduation requirement that would allow some exemptions in 2006, fewer exemptions in 2007 and full implementation in 2008. Clarifies that proficiency on the ISAT does not take effect until January 1, 2006. Outlines when adaptations and accommodations can be used. Changes the name of the Idaho Standard Achievement Test (ISAT) to the Idaho Standards Achievement Test in order to give the flexibility to include required subject tests as necessary as part of a comprehensive ISAT series. Removes the requirement that the ISAT include both a selected response section and a constructed response section. Clarifies definition of "full academic year" to allow for more consistent application across all Idaho schools and districts. Changes the requirement that small subgroups of students less than 10 be identified and reported in order to protect the privacy of students who are members of a small subgroup who would be identified as a result of such report.

The proposed rules have been amended in response to comment and to make clarifications and clerical corrections.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 93 through 103.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact Carissa Miller at 334-2270.

DATED this 17th day of November, 2003.

Karen Gustafson
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

2004 - Education House Pending Rule (Yellow)

IDAPA 08, TITLE 02, CHAPTER 03

RULES GOVERNING THOROUGHNESS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 93 through 103.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0203-0301

SUBSECTION 105.03 (Partial Section)

105. GRADUATION FROM HIGH SCHOOL.

Graduation from an Idaho high school requires that:

(4-1-97)

03. Proficiency (Effective January 1, 2006). All students must achieve a proficient or advanced score on the High School Idaho Standards Achievement Test (ISAT) in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the local school board, and, at the discretion of the local school board, may be given an opportunity to demonstrate proficiency of the achievement standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. ()

- a. Before appealing to the local school board for an alternate measure, the student must be:* ()
 - i. Enrolled in a special education program and have an Individual Education Plan (IEP), or* ()
 - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less, or* ()
 - iii. Enrolled in the fall semester of the senior year.* ()
- b. The measure must be aligned at a minimum to tenth grade state content standards:* ()
- c. The measure must be aligned to the state content standards for the subject matter in question:* ()
- d. The measure must be valid and reliable; and* ()

2004 - Education House Pending Rule (Yellow)

IDAHO STATE BOARD OF EDUCATION Rules Governing Thoroughness

Docket No. 08-0203-0301
Pending Rule

e. Ninety percent (90%) of the criteria of the measure, or combination of measures, must be based on academic proficiency and performance. ()

SUBSECTION 107.06 (Partial Section)

107. HIGH SCHOOL GRADUATION STANDARDS (EFFECTIVE JULY 1, 2000).

The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits and a proficient or advanced score on the ISAT (effective January 1, 2006). The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the responsibility to provide education opportunities that meet the needs of students in both academic and vocational areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. (3-15-02)()

06. Assessment. A proficient or advanced score on the ISAT. The requirement will be phased in providing the following exemptions for the classes of 2006 and 2007. ()

a. Class of 2006. ()

i. The student took the ISAT and was within six (6) Rasch Units (RIT points) of proficiency: ()

ii. The student has a score of seventeen (17) on the ACT or two hundred (200) on the SAT in English and a score of nineteen (19) on the ACT or four hundred sixty (460) on the SAT in Math; ()

iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; ()

iv. The student is considered an LEP student through a score determined on the state language proficiency test and has been in an LEP program for three (3) academic years or less; ()

v. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or ()

vi. The student may appeal for another measure approved by the local school board as outlined in Subsection 105.03. ()

b. Class of 2007. ()

i. The student took the ISAT and was within three (3) RIT points of proficiency: ()

ii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; ()

iii. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; ()

iv. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or ()

v. The student may appeal for another measure approved by the local school board as outlined in Subsection 105.03. ()

2004 - Education House Pending Rule (Yellow)

IDAHO STATE BOARD OF EDUCATION Rules Governing Thoroughness

Docket No. 08-0203-0301
Pending Rule

- c. Class of 2008 and Subsequent Classes. ()
- i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state exit exams must be approved by the State Board of Education, measure skills at the tenth grade level or above and be in comparable subject areas to the ISAT; or ()
- ii. The student may appeal for another measure approved by the local school board as outlined in Subsection 105.03. ()

SUBSECTIONS 111.03, 111.04, and 111.06 (Partial Section)

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA), the National Assessment of Educational Progress (NAEP), and the Idaho Standards Achievement Tests (ISAT). (5-3-03)()

04. Testing Population. All students in Idaho public schools, grades kindergarten through ~~twelve~~ ten (K-120), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. All students who are eligible for special education shall participate in the statewide assessment program. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. ~~English Language Learners (ELL) Limited English Proficient (LEP) students as defined in Subsection 112.03.d.iv. who have been in an English speaking school for less than one (1) year and score a 1 or 2 on the Pre-LAS or LAS, or a 1 or 2 on the Woodcock-Munoz, or an A or B on IPT, or limited or intermediate on the Macualitas may be excluded from testing. If the student does not have a local language score they are not excluded from testing~~ receive a score in the low range on the State Board of Education approved language acquisition proficiency test and have an Education Learning Plan (ELP) shall be given the ISAT with accommodations or adaptations for three (3) consecutive years. A further extension of two (2) consecutive years may be granted by the local district or local education agency provided the language proficiency test score is still in the low range. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. (5-3-03)()

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.07.a. through 111.07.m. Each assessment will be comprehensive of and aligned to the Idaho State Achievement Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in ~~social studies, science, health and humanities~~ those standards not assessed by the state assessment program. (5-3-03)()

- a.** Kindergarten - Idaho Reading Indicator. (3-15-02)
- b.** Grade 1 - Idaho Reading Indicator. (3-15-02)
- c.** Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)()
- d.** Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)()
- e.** Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)()

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- f. Grade 5 - Direct Writing Assessment, Grade 5 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)(☐)
- g. Grade 6 - Direct Math Assessment, Grade 6 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)(☐)
- h. Grade 7 - Direct Writing Assessment, Grade 7 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)(☐)
- i. Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)(☐)
- j. Grade 9 - Direct Writing Assessment, Grade 9 Idaho Standards Achievement Tests ~~covering Language Arts/Communication and Math Standards.~~ (5-3-03)(☐)
- k. Grade 10 - High School Idaho Standards Achievement Tests ~~covering Language Arts/Communications and Math Standards*.~~ (5-3-03)(☐)

SECTION 112 (Entire Section)

112. ACCOUNTABILITY.

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. (☐)

- 01. Student Achievement Levels.** There are four (4) levels of student achievement for the ISAT. (☐)
- a. Advanced: Exceeds Standards.** The student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently above his current educational level. (☐)
- i. The student demonstrates a comprehensive understanding of all relevant information. (☐)
- ii. The student demonstrates comprehension and understanding of knowledge and skills above his/her grade level. (☐)
- iii. The student can perform skills or processes independently without significant errors. (☐)
- b. Proficient: Meets Standards.** The student demonstrates mastery of knowledge and skills that allow him/her to function independently on all major concepts and skills at his/her educational level. (☐)
- i. The student demonstrates a comprehensive understanding of all information relevant to the topic, at level. (☐)
- ii. The student can perform skills or processes independently without significant errors. (☐)
- c. Basic: Below Standards.** The student demonstrates basic knowledge and skills usage but cannot operate independently on concepts and skills at his/her educational level. Requires remediation and assistance to complete tasks without significant errors. (☐)
- i. The student has an incomplete knowledge of the topic or misconceptions about some information. (☐)
- ii. The student requires assistance and coaching to complete tasks without errors. (☐)
- d. Below Basic: Critically Below Standards.** The student demonstrates significant lack of skills and knowledge and is unable to complete basic skills or knowledge sets without significant remediation. (☐)

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i. The student has critical deficiencies of relevant knowledge of topic or misconceptions about some information. ()

ii. The student cannot complete any skill set without significant assistance and coaching. ()

02. Adequate Yearly Progress (AYP). ()

a. Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. ()

b. The State Department of Education will make AYP determinations for schools and districts each year. Results will be given to the districts no later than one (1) month prior to the first day of school. ()

c. The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. ()

03. Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. ()

a. Full Academic Year (continuous enrollment). ()

i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks of the school year through the end of the state approved spring testing administration period will be included in the calculation to determine if the school achieved AYP. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP. ()

ii. A student who is enrolled continuously in the school district from the first eight (8) weeks of the school year through the end of the state approved spring testing administration period will be included when determining if the school district has achieved AYP. ()

iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks of the school year through the end of the state approved spring testing administration period will be included when determining if the state has achieved AYP. ()

b. Participation Rate. ()

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. ()

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. ()

c. Schools. ()

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. ()

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade twelve (12). ()

iii. A high school is any school that contains grade twelve (12). ()

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iv. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. ()

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: ()

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. ()

ii. Economically disadvantaged - identified through the free and reduced lunch program. ()

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). ()

iv. Limited English Proficient - individuals whose native language is a language other than English; individuals who come from environments where a language other than English is dominant; individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. ()

e. Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must maintain or make progress toward the target each year. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. ()

f. Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. ()

2004 - Education House Pending Rule (Yellow)

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Sections 33-105(1) and 33-107(3), 33-116, 33-118, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

PUBLIC HEARING SCHEDULE: The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below. Public hearing(s) concerning this rulemaking have been scheduled for the following date and locations: October 16 from 7-9 p.m (MST) by statewide videoconference at the following locations:

Boise: East conference room, J.R. Williams Bldg. ("Hall of Mirrors", 700 W. State St.)

Coeur d'Alene: North Idaho College, Winton Hall Room 22

Idaho Falls: Eastern Idaho Technical College, John. E. Christopherson Bldg., Room 371

Lewiston: Lewis-Clark State College, Sam Glenn Complex Room 50

Pocatello: Idaho State University, Library/Media Center B 06

Twin Falls: College of Southern Idaho, Shields Bldg., Room 209

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: Includes proficiency on the ISAT as an additional requirement for high school graduation, provided that a student who has not attained proficiency by graduation may appeal to his/her local school district and be given an opportunity to meet the standards through some other locally established, State Board of Education approved mechanism, beginning with the class of 2006. Requires that the ISAT include sections for both selected and constructed responses. Requires that all Limited English Proficient students, regardless of the number of years he/she has been speaking English, and outlines provisions for adaptations and accommodations for that population. Establishes that students will take the ISAT in spring of their 10th grade year and can retake portions of the test not passed. Remaining components of the Accountability section are those aspects that were submitted to the U.S. Department of Education in the Consolidated State Application Accountability Workbook to meet federal guidelines.

FEE SUMMARY: There is no fee associated with this rule change.

NEGOTIATED RULEMAKING: A form of negotiated rulemaking was conducted. The Accountability Commission held approximately six public meetings to develop these proposed rule changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Carissa Miller at 334-2270.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

2004 - Education House Pending Rule (Yellow)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0301

105. GRADUATION FROM HIGH SCHOOL.

Graduation from an Idaho high school requires that: (4-1-97)

01. Credit Requirements. All students will demonstrate achievement in the CORE and other required subjects to include forty-two (42) semester credits, one (1) semester equaling one-half (1/2) year. (4-5-00)

02. Achievement Standards. All students will meet locally established subject area achievement standards (using state standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-30-01)

03. Proficiency (Effective January 1, 2006). All students must achieve a proficient or advanced score on the High School Idaho Standards Achievement Test in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the local school board, and, at the discretion of the local school board, may be given an opportunity to demonstrate proficiency of the achievement standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. (____)

034. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the ~~Board of Trustees~~ local school board. (~~4-5-00~~)(____)

106. (RESERVED).

107. HIGH SCHOOL GRADUATION STANDARDS (EFFECTIVE JULY 1, 2000).

The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits and a proficient or advanced score on the High School Idaho Standards Achievement Test. The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the responsibility to provide education opportunities that meet the needs of students in both academic and vocational areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. (~~3-15-02~~)(____)

01. Secondary Language Arts And Communication. (Nine (9) credits required with instruction in communications including oral communication and technological applications). Includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. A course in speech or a course in debate will fulfill one (1) credit of the nine (9) credit requirement. (7-1-00)

02. Mathematics And Science. (Eight (8) credits required) a minimum of four (4) credits in math and four (4) credits in science, two (2) of which will be laboratory sciences. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. Secondary sciences will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (7-1-00)

03. Social Studies. (Five (5) credits required), including government (two (2) credits), U.S. history (two (2) credits), and economics (one (1) credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs and world history may be offered as electives, not to be counted as a social studies requirement. (7-1-00)

04. Humanities. (Two (2) credits required). A course in interdisciplinary humanities, visual and performing arts, or foreign language. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course syllabus is approved by the State Department of Education as being aligned with the Humanities Standards. (5-3-03)

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05. **Health/Wellness.** (One (1) credit required). A course focusing on positive health habits. (7-1-00)
06. **Assessment.** A proficient or advanced score on the High School Idaho Standards Achievement Test. ()

(BREAK IN CONTINUITY OF SECTIONS)

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. **Philosophy.** Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. A statewide student assessment program consisting of standardized achievement testing and performance appraisal activities in the fundamental basic skills will be conducted annually. The State Board of Education will provide oversight for all components of the comprehensive assessment program. The State Department of Education will be responsible for the administration of assessment efforts as provided for by the State Board of Education. (3-15-02)

02. **Purposes.** The purpose of assessment in the public schools is to: (3-15-02)
- a. Measure and improve student achievement; (3-15-02)
 - b. Assist classroom teachers in designing lessons; (3-15-02)
 - c. Identify areas needing intervention and remediation, and acceleration; (3-15-02)
 - d. Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
 - e. Inform parents and guardians of their child's progress; (3-15-02)
 - f. Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
 - g. Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
 - h. Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

03. **Content.** The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA), the National Assessment of Educational Progress (NAEP), and the Idaho Standards Achievement Tests (ISAT). The ISAT will include two (2) components: a selected response section and a constructed response section. (5-3-03)()

04. **Testing Population.** All students in Idaho public schools, grades kindergarten through twelve (K-12Q), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. All students who are eligible for special education shall participate in the statewide assessment program. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. English Language Learners (ELL) Limited English Proficient (LEP) students who have been in an English speaking school for less than one (1) year and score a

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IDAHO STATE BOARD OF EDUCATION Rules Governing Thoroughness

Docket No. 08-0203-0301
Proposed Rulemaking

~~1 or 2 on the Pre-LAS or LAS, or a 1 or 2 on the Woodcock-Munoz, or an A or B on IPT, or limited or intermediate on the Macualitas may be excluded from testing. If the student does not have a local language score they are not excluded from testing receive a score in the low range on the state approved language acquisition test and have an Education Learning Plan (ELP) shall be given the ISAT with accommodations or adaptations. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations.~~ (5-3-03)()

05. Scoring And Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (5-3-03)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.07.a. through 111.07.m. Each assessment will be comprehensive of and aligned to the Idaho State Achievement Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in social studies, science, health and humanities. (5-3-03)

a. Kindergarten - Idaho Reading Indicator. (3-15-02)

b. Grade 1 - Idaho Reading Indicator. (3-15-02)

c. Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

e. Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

f. Grade 5 - Direct Writing Assessment, Grade 5 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

g. Grade 6 - Direct Math Assessment, Grade 6 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

h. Grade 7 - Direct Writing Assessment, Grade 7 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

i. Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

j. Grade 9 - Direct Writing Assessment, Grade 9 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (5-3-03)

k. Grade 10 - High School Idaho Standards Achievement Test covering Language Arts/Communications and Math Standards*. (5-3-03)

~~**l.** Grade 11 - High School Idaho Standards Achievement Test*. (5-3-03)~~

~~**m.** Grade 12 - High School Idaho Standards Achievement Test*. (5-3-03)~~

~~**n.** *Students who do not receive a proficient score on a portion or portions of the High School Idaho Standards Achievement Test will retake the appropriate portion or portions each time thereafter that it is offered.~~

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~~Once a student achieves proficiency, at a level established by the State Board of Education, on a portion or portions of the assessment, regardless of which grade level, ten through twelve (10-12), that student is not required to continue taking that portion or portions achieve a proficient or advanced score on a portion or portions of the ISAT offered in the Spring of their tenth grade year or later are not required to continue taking that portion or portions.~~

~~(5-3-03)()~~

07. Comprehensive Assessment Program Schedule. (5-3-03)

a. The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)

b. The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. (3-15-02)

c. The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)

d. The Idaho Standards Achievement Tests will be administered twice annually in the Fall and Spring in a time period specified by the State Board of Education. (5-3-03)

08. Costs Paid By The State. Costs for the following testing activities will be paid by the state: (4-1-97)

a. All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

b. Statewide distribution of all assessment materials; (3-15-02)

c. Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program; and (3-15-02)

d. Implementation, processing, scoring and distribution of prescribed reports for the Direct Writing Assessment and the Direct Mathematics Assessment. (3-15-02)

09. Costs Of Additional Services. Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

10. Services. The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

11. Test Security, Validity And Reliability. Test security is of the utmost importance. School districts will employ the same security measures in protecting statewide assessment materials from compromise as they use to safeguard other formal assessments. ~~(3-15-02)()~~

a. All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window. ()

b. The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010. ()

c. Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Achievement Standards. ()

12. Demographic Information. Demographic information will be required to assist in interpreting test

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results. It may include but not be limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (5-3-03)

13. Dual Enrollment. For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

a. The Idaho Standards Achievement Tests (grades 2-9 and High School). (5-3-03)

b. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.14.c.i. through 111.14.c.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (3-15-02)

i. Language Arts/Communications. (3-15-02)

ii. Math. (3-15-02)

iii. Science. (3-15-02)

iv. Social Studies. (3-15-02)

v. Health. (3-15-02)

vi. Humanities. (3-15-02)

SECTION 112 HAS BEEN MOVED TO SECTION 128

112. ACCOUNTABILITY.

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. ()

01. Student Achievement Levels. There are four (4) levels of student achievement for the ISAT. ()

a. Advanced: Exceeds Standards. The student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently above his current educational level. ()

i. The student demonstrates a comprehensive understanding of all relevant information. ()

ii. The student demonstrates comprehension and understanding of knowledge and skills above his/her grade level. ()

iii. The student can perform skills or processes independently without significant errors. ()

b. Proficient: Meets Standards. The student demonstrates mastery of knowledge and skills that allow him/her to function independently on all major concepts and skills at his/her educational level. ()

i. The student demonstrates a comprehensive understanding of all information relevant to the topic, at level. ()

ii. The student can perform skills or processes independently without significant errors. ()

c. Basic: Below Standards. The student demonstrates basic knowledge and skills usage but cannot operate independently on concepts and skills at his/her educational level. Requires remediation and assistance to

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complete tasks without significant errors. ()

i. The student has an incomplete knowledge of the topic or misconceptions about some information. ()

ii. The student requires assistance and coaching to complete tasks without errors. ()

d. Below Basic: Critically Below Standards. The student demonstrates significant lack of skills and knowledge and is unable to complete basic skills or knowledge sets without significant remediation. ()

i. The student has critical deficiencies of relevant knowledge of topic or misconceptions about some information. ()

ii. The student cannot complete any skill set without significant assistance and coaching. ()

02. Adequate Yearly Progress (AYP). ()

a. Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. ()

b. The State Department of Education will make AYP determinations for schools and districts each year. Results will be given to the districts no later than one (1) month prior to the first day of school. ()

c. The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. ()

03. Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. ()

a. Full Academic Year (continuous enrollment). ()

i. A student who is enrolled continuously in the same public school from the end of the second school month through the Spring testing administration period will be included in the calculation to determine if the school achieved AYP. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP. ()

ii. A student who is enrolled continuously in the school district from the end of the second school month through the spring testing administration period will be included when determining if the school district has achieved AYP. ()

iii. A student who is enrolled continuously in a public school within Idaho from the end of the second school month through the spring testing administration period will be included when determining if the state has achieved AYP. ()

b. Participation Rate. ()

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. ()

ii. Schools with populations less than thirty-four (34) students must test the number of students outlined in the table.

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<u>No.</u>	<u>Permitted Absences</u>	<u>No. Tested</u>	<u>% Tested</u>
<u>33</u>	<u>2</u>	<u>31</u>	<u>94%</u>
<u>32</u>	<u>2</u>	<u>30</u>	<u>94%</u>
<u>31</u>	<u>2</u>	<u>29</u>	<u>94%</u>
<u>30</u>	<u>2</u>	<u>28</u>	<u>93%</u>
<u>29</u>	<u>2</u>	<u>27</u>	<u>93%</u>
<u>28</u>	<u>2</u>	<u>26</u>	<u>93%</u>
<u>27</u>	<u>2</u>	<u>25</u>	<u>93%</u>
<u>26</u>	<u>2</u>	<u>24</u>	<u>92%</u>
<u>25</u>	<u>2</u>	<u>23</u>	<u>92%</u>
<u>24</u>	<u>2</u>	<u>22</u>	<u>92%</u>
<u>23</u>	<u>2</u>	<u>21</u>	<u>91%</u>
<u>22</u>	<u>2</u>	<u>20</u>	<u>91%</u>
<u>21</u>	<u>2</u>	<u>19</u>	<u>90%</u>
<u>20</u>	<u>2</u>	<u>18</u>	<u>90%</u>
<u>19</u>	<u>2</u>	<u>17</u>	<u>89%</u>
<u>18</u>	<u>2</u>	<u>16</u>	<u>89%</u>
<u>17</u>	<u>2</u>	<u>15</u>	<u>88%</u>
<u>16</u>	<u>2</u>	<u>14</u>	<u>88%</u>
<u>15</u>	<u>2</u>	<u>13</u>	<u>87%</u>
<u>14</u>	<u>2</u>	<u>12</u>	<u>86%</u>
<u>13</u>	<u>2</u>	<u>11</u>	<u>85%</u>
<u>12</u>	<u>1</u>	<u>11</u>	<u>92%</u>
<u>11</u>	<u>1</u>	<u>10</u>	<u>91%</u>
<u>10</u>	<u>1</u>	<u>9</u>	<u>90%</u>
<u>9</u>	<u>1</u>	<u>8</u>	<u>89%</u>
<u>8</u>	<u>1</u>	<u>7</u>	<u>88%</u>
<u>7</u>	<u>1</u>	<u>6</u>	<u>86%</u>
<u>6</u>	<u>0</u>	<u>6</u>	<u>100%</u>
<u>5</u>	<u>0</u>	<u>5</u>	<u>100%</u>
<u>4</u>	<u>0</u>	<u>4</u>	<u>100%</u>
<u>3</u>	<u>0</u>	<u>3</u>	<u>100%</u>
<u>2</u>	<u>0</u>	<u>2</u>	<u>100%</u>
<u>1</u>	<u>0</u>	<u>1</u>	<u>100%</u>

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- ()
- c.** Schools. ()
- i.** An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. ()
- ii.** A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade twelve (12). ()
- iii.** A high school is any school that contains grade twelve (12). ()
- iv.** The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. ()
- d.** Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: ()
- i.** Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. ()
- ii.** Economically disadvantaged - identified through the free and reduced lunch program. ()
- iii.** Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). ()
- iv.** Limited English Proficient - individuals whose native language is a language other than English; individuals who come from environments where a language other than English is dominant; individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. ()
- e.** Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must maintain or make progress toward the target each year. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. ()
- f.** Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. ()

113. REWARDS.

- 01.** Exemplary Status. Exemplary Status is issued to a public school when the measure of the school's student and school performance and progress exceeds the proficient level performance on the baseline adopted by the Board. ()
- 02.** Distinguished Schools. The State Board of Education may identify Title I schools that exceed the Idaho performance standards as Distinguished Schools. ()
- 03.** Additional Yearly Growth (AYG). Schools and districts who improve proficiency levels of subpopulations or in the aggregate by greater than ten percent (10%) would be considered to have achieved AYG. Given that the school/district has met AYP, AYG would designate the school/district for a reward. ()

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114. FAILURE TO MEET ADEQUATE YEARLY PROGRESS (AYP).

The State Department of Education shall develop procedures for a Technical Assistance Plan, School Improvement, School Choice, Supplemental Education Services, Corrective Action, and an Alternate Governance Plan for approval by the State Board of Education. ()

01. Technical Assistance Plan. Schools and districts that fail to achieve AYP for two (2) consecutive years will be provided with technical assistance from the State Department of Education. ()

02. School Improvement. Schools and districts that fail to achieve AYP for two (2) consecutive years must be placed on School Improvement, develop an improvement plan and offer school choice the following year. ()

03. School Choice. Schools and districts that fail to achieve AYP for two (2) consecutive years must inform all parents of the School Improvement Status and offer students the option to choose another school. This is at the expense of the school/district that did not meet AYP. ()

04. Supplemental Education Services In Reading And Math. Schools/Districts that fail to meet AYP for three (3) consecutive years must offer school choice and supplemental services in reading and math. ()

05. Corrective Action. Schools/Districts that fail to meet AYP for four (4) consecutive years must be placed on corrective action. ()

06. Alternate Governance Plan. Schools/Districts that fail to meet AYP for five (5) consecutive years may become governed by the State. ()

07. "Safe Harbor" Provision. If any subgroup(s) does not meet or exceed Idaho baseline (see Section 112), the public school or district may be considered to have achieved AYP if any one (1) of the following conditions are met: ()

a. The subgroup(s) that did not meet or exceed Idaho's baseline reduces by ten percent (10%) the percentage of nonproficient students, and the school/district as a whole achieves the state baseline for proficiency for the additional academic indicator. ()

b. The subgroup(s) that did not meet or exceed Idaho's baseline for the additional academic indicator maintains or makes progress towards the baseline for the additional academic indicator or graduation rate. ()

08. Appeals Process. ()

a. The State Department of Education determines preliminary identification of all schools and districts that have not met AYP according to the state criteria. ()

b. Within thirty (30) days of preliminary identification, the agency (district/school) reviews its data and may challenge its identification. The agency (district/school) not meeting AYP may appeal its status and provide evidence to support the challenge to the State Department of Education. ()

c. No later than thirty (30) days after preliminary identification, the identifying agency reviews the appeal and makes a final determination of identification for school improvement. ()

115. DATA COLLECTION.

The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The enrollment collection will contain information about the enrollment of the student attributes such as active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status. The collection will be done in mid-October, early February, and May (end of the testing window). Each participating school is required to verify the data submitted in the files to assure accuracy. ()

116. -- 127. (RESERVED).

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~~1428.~~ CURRICULAR MATERIALS SELECTION (SECTIONS 33-118; 33-118A, IDAHO CODE).

The State Board of Education will appoint a committee to select curriculum materials. Committee appointments will be for a period of five (5) years. ~~Committee appointments will be for a period of five (5) years.~~ The membership of the committee will include one (1) representative from each of the state's institutions of higher education (Boise State University, Idaho State University, Lewis-Clark State College, and University of Idaho); two (2) Idaho public school administrators; two (2) Idaho public school elementary classroom teachers; two (2) Idaho public school secondary classroom teachers; one (1) person who is not a public school educator nor a public school trustee, one (1) person (parent, teacher, or administrator) representing Idaho's private/parochial schools, who will not be a public school educator or trustee; one (1) public school trustee; three (3) parents and one (1) curriculum consultant from the Division of Instruction of the State Department of Education and one (1) from the Division of Vocational Education whose appointment will be for one (1) year. The Executive Secretary will be an employee of the State Department of Education and will be a voting member of the committee. (4-1-97)()

01. Subject Areas. Curricular materials are adopted by the State Board of Education for a period of five (5) years in the following subject areas: reading, English, spelling, speech, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, handwriting, literature, driver education. (4-5-00)

02. Multiple Adoptions Are Made In Each Subject Area. (4-5-00)

03. Bids. Each publisher must deliver, according to the committee schedule, a sealed bid on all curricular materials presented for adoption. (4-5-00)

04. Depository. The State Board will appoint a depository for the state-adopted curricular materials. Resource materials are a local option. (4-5-00)

05. Local Policies. School districts will follow their own policies for adoption in subject areas offered by a school district for which materials are not covered by the state curriculum materials committee. (4-5-00)

~~113. — 119.~~ (RESERVED).

~~1202.~~ COMMUNICATION.

01. Communication Skills Emphasis. Communication skills enabling students to be responsible citizens of their homes, schools and communities will be emphasized throughout the curriculum. The teaching and demonstrating of effective communication skills will be exemplified throughout the kindergarten through twelve (K-12) system. (4-1-97)

02. Age-Appropriate Classroom, School, And Community Activities. Each year, age-appropriate classroom, school and community activities will be provided to all students for the purpose of developing written and oral communication skills with individuals and groups. Good listening skills are a critical component of the communication process. (Section 33-1612, Idaho Code) (4-1-97)

~~121. — 129.~~ (RESERVED).

2004 - Education House Pending Rule (Yellow)

IDAPA 30 - IDAHO STATE LIBRARY

30.01.01 - RULES OF THE IDAHO STATE LIBRARY GOVERNING THE USE OF STATE LIBRARY MATERIALS AND SERVICES

DOCKET NO. 30-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-2503, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 465 through 467.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Charlotte Fowles at (208) 334-2150.

DATED this 29th day of October, 2003.

Charles A. Bolles, State Librarian
Idaho State Library
325 W. State St.
P. O. Box 83720
Boise, Idaho 83702
Telephone: (208) 334-2150
Facsimile: (208) 334-4016

IDAPA 30, TITLE 01, CHAPTER 01

RULES OF THE IDAHO STATE LIBRARY GOVERNING THE USE OF STATE LIBRARY MATERIALS AND SERVICES

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 465 through 467.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Education House Pending Rule (Yellow)

IDAPA 30 - IDAHO STATE LIBRARY

30.01.01 - RULES OF THE IDAHO STATE LIBRARY GOVERNING THE USE OF STATE LIBRARY MATERIALS AND SERVICES

DOCKET NO. 30-0101-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-2503, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rule changes clarify and update rules relating to library materials and services and incorporate by reference the federal eligibility criteria for the use of the talking book library services by disabled borrowers. These rules are necessary to clarify and update rules relating to library materials and services.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fee or charge is being imposed or increased by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking is noncontroversial.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Charlotte Fowles at (208) 334-2150.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Charles A. Bolles
State Librarian
Idaho State Library
325 W. State St.
P. O. Box 83720
Boise, Idaho 83702
Telephone: (208) 334-2150
Facsimile: (208) 334-4016

THE FOLLOWING IS THE TEXT OF DOCKET NO. 30-0101-0301

2004 - Education House Pending Rule (Yellow)

004. INCORPORATION BY REFERENCE.

IDAPA 30.01.01, "Rules of the Idaho State Library Governing the Use of State Library Materials and Services," incorporates by reference the eligibility rules for disabled borrowers as published in 36 CFR 701.10, as amended October 2, 1981. Copies of these eligibility rules are available for inspection at the Idaho State Library. ()

005. BOARD OFFICE -- LOCATION, HOURS, MAILING ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER.

The address of the Idaho State Library, and its mailing address, is 325 W. State Street, Boise, Idaho 83702-6072. Office hours are from 8:00 a.m. until 5:00 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. The Library's telephone number is (208) 334-2150 and the facsimile number is (208) 334-4016. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

~~Documents related to this chapter are specifically exempted from public disclosure under~~ All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act, ~~Section 9-340(9), Idaho Code~~ (Title 9, Chapter 3, Idaho Code). (7-1-96)()

007. -- 010. (RESERVED).

011. LOAN OF ITEMS TO INDIVIDUALS.

01. Eligibility Of Borrowers. Any Idaho resident may borrow State Library items under the conditions and restrictions set forth in these rules. Items from the State Library collection may be checked out ~~at~~ from the library or may be borrowed through the interlibrary loan service of the individual's local library. Items and services of the Talking Book Library are controlled according to Subsection 011.07. (7-1-96)()

02. Patron Registration. An Idaho resident may ~~apply for a use~~ State Library ~~card materials~~ by ~~filling out~~ completing a registration form and ~~showing~~ providing valid identification verifying Idaho residency. Registration for a ~~minor~~ (resident under age eighteen (18)) must include the signature of a parent or guardian and verification of the parent's or guardian's Idaho residency. ~~The library card will be used whenever borrowing items from the State Library.~~ (7-1-96)()

03. Overdue Item. An item is ~~considered~~ overdue if it ~~has~~ is not ~~been~~ returned by the ~~day after the~~ due date. An overdue notice requesting return of the item is sent to the borrower. If the overdue item is not returned within four (4) weeks after the due date, a bill for the replacement costs is sent to the borrower. (7-1-96)()

04. Lost Item. If a borrowed item is lost, the borrower is billed for the replacement costs. (7-1-96)

05. Damaged Item. An item is ~~considered~~ damaged if its physical condition or usefulness to other borrowers is impaired. If the damage requires removal of the item from the collection, the borrower is billed for the replacement costs. If the item requires repair before it can be used, the borrower may be billed for the repair costs, ~~depending on extent of damages.~~ (7-1-96)()

06. Borrowing Privileges. A borrower ~~is not allowed to~~ cannot borrow an additional item if he has not returned an overdue item or has an outstanding bill for an overdue, lost, or damaged item. Borrowing privileges are reinstated when the item is returned in good condition or the bill is paid in full. Repeated failure to comply with ~~these~~ rules may result in permanent ~~revocation~~ loss of borrowing privileges. (7-1-96)()

07. Talking Book Library Services. (7-1-96)

a. ~~Large print books, recorded books and magazines;~~ Materials and specialized playback equipment are loaned to eligible, registered borrowers without charge. ~~To be eligible for the service, a person must be unable to read standard print under~~ The criteria for eligibility is established by the National Library Service of the Library of Congress, as published in ~~the Code of Federal Regulations, Title 36, Section 701.10~~ 36 CFR 701.10, as amended October 2, 1981, which has been incorporated by reference in Section 004. (7-1-96)()

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IDAHO STATE LIBRARY The Use of State Library Materials and Services

Docket No. 30-0101-0301
Proposed Rulemaking

b. A borrower accepts the responsibility for using ~~items~~ materials and equipment with reasonable care and returning them to the State Library according to established policies and guidelines. ~~Abuse may include: purposeful damage of equipment or a library item; repeated disregard of instructions for equipment care; disregard of requests to return equipment or an item to the State Library.~~ (7-1-96)(____)

c. If the State Library finds evidence of abuse of ~~an item~~ materials, equipment, or service, the staff discusses the situation with the borrower and provides written confirmation to the borrower. If abuse continues after suitable warning, service may be suspended ~~for up to six (6) months~~. The borrower may apply for reinstatement of service after the end of the suspension period. (7-1-96)(____)

~~08. Film And Video Equipment.~~ (7-1-96)

~~a. Film and video playback equipment is available to view a videotape or film at the State Library or to view a videotape or film borrowed from the State Library collection. The circulation period for this equipment is a maximum of three (3) days.~~ (7-1-96)

~~b. The borrower assumes full responsibility for the equipment and agrees to pay for any and all damage to the equipment incurred while the equipment is in the borrower's possession.~~ (7-1-96)

012. INTERLIBRARY LOAN SERVICES.

01. **Loans To Other Libraries.** The State Library loans items from its collection to any library submitting ~~a standard~~ an interlibrary loan request. The borrowing library must return the item to the State Library in the same manner as it was sent to the borrowing library, including insurance if required. A borrowing library losing or damaging State Library material is assessed replacement or repair costs as stated in Subsections 011.04 and 011.05. (7-1-96)(____)

02. **Loans To ~~Government Officers Or Employees~~ Idaho Residents.** The State Library initiates interlibrary loan requests for ~~employees and officers of the state of Idaho and United States Government employees working in~~ Idaho residents only in its collection areas. A State Library borrower losing or damaging material borrowed ~~for him~~ from another library is responsible for any costs billed by the lending ~~agency~~ library. (7-1-96)(____)

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IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF IDAHO DIVISION OF VOCATIONAL REHABILITATION

DOCKET NO. 47-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-2301, Idaho Code, and the 1998 Amendments of the Rehabilitation Act of 1973.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule: After review of our current administrative rules by our Federal partners, they recommended further changes to our rules and some deletions.

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume No. 03-10 pages 578 through 582.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Sue Payne (208) 334-3390 extension 110.

DATED this October 28, 2003.

Michael Graham
Administrator
Idaho Division of Vocational Rehabilitation
650 W. State Street, Room 150
P.O. Box 83720
Boise, ID 83720-0096
(208) 334-3390 ext. 108, Fax: (208) 334-5305

IDAPA 47, TITLE 01, CHAPTER 01

RULES OF IDAHO DIVISION OF VOCATIONAL REHABILITATION

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 578 through 582.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

DOCKET NO. 47-0101-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted initiated proposed regular rulemaking procedures. The action is authorized pursuant to Section(s) Title 33-031, Idaho Code, and the Rehabilitation Act of 1973 and all-subsequent Amendments.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the Proposed rulemaking:

After review of our current administrative rules by our Federal partners, they recommended further changes to our rules and some deletions.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because rules have been implemented through the Rehabilitation Act of 1973 and all subsequent Amendments.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sue Payne (208) 334-3390 ext. 110.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 8th day of August, 2003.

Sue Payne
Chief, Bureau of Field Services
Idaho Division of Vocational Rehabilitation
650 W. State Street, Room 150
P.O. Box 83702
Boise, ID 83720-0096
(208) 334-3390 ext. 110, Fax: (208) 334-5305

THE FOLLOWING IS THE TEXT OF DOCKET NO. 47-0101-0301

004. INCORPORATION BY REFERENCE.

01. General. Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the

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reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

02. Availability Of Reference Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (3-30-01)

a. Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390. (3-30-01)

b. Regional Offices, Idaho Division of Vocational Rehabilitation, located at: (3-30-01)

i. 1010 Ironwood Drive, Suite 101, Coeur d’Alene, Idaho 83814, (208) 769-1441. (3-30-01)

ii. 1118 F. Street, P.O. Box 1164, Lewiston, Idaho 83501, (208) 799-5070. (5-3-03)

iii. 3350 Americana Terrace, Suite 210, Boise, Idaho 83706, (208) 334-3650. (5-3-03)

iv. 10200 W. Emerald Street, Suite 101, Boise, Idaho 83704, (208) 327-7411. (3-30-01)

v. 245 3rd Avenue North, Twin Falls, Idaho 83301, (208) 736-2156. (3-30-01)

vi. 1070 Hiline, Suite 200, Pocatello, Idaho 83201, (208) 236-6333. (3-30-01)

vii. 1825 Hoopes Avenue, Idaho Falls, Idaho 83404, (208) 525-7149. (3-30-01)

viii. 3110 E. Cleveland Blvd. #A7, Caldwell, Idaho 83605, (208) 454-7606. (5-3-03)

ix. This document is also available at website <http://www.state.id.us/idvr/idvrhome.htm>. (3-30-01)

03. Documents Incorporated By Reference. The following documents are incorporated by reference into these rules: (3-30-01)

a. All federal publications through the Rehabilitation Services Administration. (5-3-03)

b. Idaho Division of Vocational Rehabilitation Field Services Manual, 2002~~3~~ - 2004. ~~(5-3-03)~~(____)

c. State Plan for Vocational Rehabilitation ~~2001~~-2003 - 2004. ~~(3-30-01)~~(____)

d. Workforce Investment Act, Public Law 105-220. (5-3-03)

e. Federal Register, Department of Education, 34 CFR Part 361. (3-30-01)

f. The Rehabilitation Act, as amended 1998. (3-30-01)

005. -- 009. (RESERVED).

010. DEFINITIONS.

01. Authorization To Purchase. A purchase order issued on behalf of the Division. (5-3-03)

02. CFR. Code of Federal Regulations. (7-1-93)

03. Client/Participant. Any individual who has applied for or is eligible for Vocational Rehabilitation services. (5-3-03)

04. ~~Core Vocational Rehabilitation Services.~~ ~~Services that reduce the impact of functional limitations~~

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~~on the ability to achieve an employment outcome (i.e. medical restoration services, training services, assistive technology, job placement, etc.)~~ (5-3-03)

054. Designated State Agency. The Idaho State Board of Education. (5-3-03)

065. Designated State Unit. The Idaho Division of Vocational Rehabilitation. (7-1-93)

~~**07. Extended Period Of Time.** An anticipated six (6) or more months within which time rehabilitation services are being provided on an active and ongoing basis.~~ (5-3-03)

086. IDVR. The Idaho Division of Vocational Rehabilitation. (4-5-00)

097. IPE. Individualized Plan for Employment. (4-5-00)

108. Most Significant Disability (MSD). Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and is further defined as: (5-3-03)

a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits two (2) or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and (5-3-03)

b. Whose vocational rehabilitation can be expected to require multiple ~~core~~ vocational rehabilitation services ~~(as opposed to supportive services)~~ over an extended period of time. (5-3-03)()

~~**109. Method Of Written Notification.** The written notification of findings and conclusions arising from an Informal Dispute Resolution, Mediation, Impartial Due Process Hearing, shall be served to the client via the U.S. Postal Service by means of certified mail. Durational requirements for appeals shall commence on the day received by the client as noted by the certified mail records.~~ (5-3-03)

120. PM. Policy Memorandum. (5-3-03)

131. RSA. Rehabilitation Services Administration, U.S. Department of Education. (5-3-03)

142. State Administrator. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (4-5-00)

~~**15. Supportive Services.** Services that complement the provision of core services and are provided only to insure that the client/participant can benefit in terms of an employment outcome.~~ (5-3-03)

163. VRC. Vocational Rehabilitation Counselor. (5-3-03)

14. Vocational Rehabilitation Services. Services that reduce the impact of functional limitations on the ability to achieve an employment outcome. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. CLIENT/PARTICIPANT SERVICES.

01. Provision Of Purchased Services Contingent Upon Financial Need Of The Client/Participant. The Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but will be a consideration in allocating the cost of VR services, with some exceptions. (5-3-03)

02. Authorization To Purchase. The Division requires that when purchasing services from a vendor,

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an authorization must be issued prior to, or on, the beginning date of service. If services are provided without a Division approved authorization to purchase, the Division reserves the right to not honor the vendor's invoice.

(5-3-03)

03. General Provisions. Idaho Division of Vocational Rehabilitation will only pay for services that contribute to the determination of eligibility or to achieve an employment outcome. ()

04. Non-Residents Of The State. Financial participation will only be available to residents of Idaho. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status and be present in the state (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs). ()

05. Provision Of CRP (Community Rehabilitation Program) Services. IDVR will purchase vocational services from CRPs that are accredited by either CARE, the Rehabilitation Accreditation Commission, or Rehabilitation Services Accreditation System (RSAS). In conjunction with the client/participant, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the client/participant to achieve an employment outcome. ()

~~301.—399. (RESERVED)~~

~~400. SERVICES FOR WHICH IDAHO DIVISION OF VOCATIONAL REHABILITATION FINANCIAL PARTICIPATION WILL NOT BE AVAILABLE.~~

~~01. General Provisions.~~ Idaho Division of Vocational Rehabilitation will not pay for any services that do not contribute to the determination of eligibility or to achieve an employment outcome. (5-3-03)

~~02. Private Pilot's License.~~ The Division of Vocational Rehabilitation will not financially participate in the securing of a private pilot's license. The Division may assist in securing a Commercial Pilot's License. (5-3-03)

~~03. Advanced Degree.~~ The Idaho Division of Vocational Rehabilitation may assist with an advanced degree if it is the only means available for an individual with a significant disability to achieve an employment outcome. (5-3-03)

~~04. Vehicular Purchase.~~ Financial assistance will not be available for the purchase of a vehicle. For the purpose of this rule, "vehicle" is defined as any motorized conveyance that must be licensed by the state of Idaho in order to be operated on state highways, roads, streets, and waterways. (Included within this definition are: cars, trucks, vans, motorcycles, and boats of various sizes and description). Division funds may be utilized to render an already owned vehicle accessible for the client's/participant's use (i.e., hand controls, van conversions, and installation of lifts). (5-3-03)

~~05. Surgery.~~ (5-3-03)

~~a. Surgery will not be provided if it is the sole core service needed for return to work or to achieve an employment outcome.~~ (5-3-03)

~~b. If the original disability(ies) and limitations substantially worsen, surgery may be provided if it is part of a comprehensive plan (IPE) and required to correct a medical problem which, if left untreated, would jeopardize completion of the rehabilitation plan and employment. (The original disability(ies) is/are defined as the disabilities on which eligibility is determined.)~~ (5-3-03)

~~c. If a new disability is diagnosed during the provision of VR services under an IPE, surgery may be provided if it is part of a comprehensive plan (IPE) and required to correct a medical problem which, if left untreated, would jeopardize completion of the rehabilitation plan and employment.~~ (5-3-03)

~~d. VR will not cover the cost of surgery if surgery does not substantially reduce or eliminate functional limitations, as VR would still need to retrain or accommodate the limitations.~~ (5-3-03)

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~~e. Regional Manager must review and approve all surgery plans for VRC, VRCL, VRCH and VRCHH.~~
(5-3-03)

~~06. **Organ Transplantation.** The Idaho Division of Vocational Rehabilitation will not pay for organ transplantation with the exception of Renal Transplantation.~~
(5-3-03)

~~07. **Non-Residents Of The State.** Financial participation will not be available to non-residents of Idaho. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs).~~
(5-3-03)

~~401. — 499. (RESERVED).~~

~~500. **PROVISION OF CRP (COMMUNITY REHABILITATION PROGRAM) SERVICES.**~~

~~Work Evaluation, Work Adjustment, Community Based Work Evaluation, Community Based Work Adjustment, Job Site Development, Job Coaching, Placement and Follow Along Services, are services the Idaho Division of Vocational Rehabilitation purchases from CRPs which are accredited by Commission on Accreditation of Rehabilitation Facilities (CARF) or Rehabilitation Services Accreditation System (RSAS). In conjunction with the client/participant, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the client/participant to achieve an employment outcome.~~
(5-3-03)

~~501. — 599. (RESERVED).~~

~~600. **CHIROPRACTIC SERVICES.**~~

~~Chiropractic examinations will not suffice in meeting the medical documentation required for eligibility purposes.~~
(5-3-03)

~~601. — 699. (RESERVED).~~

~~700. **PAYMENT POLICY.**~~

~~01. **Rates Of Payment.** The Vocational Rehabilitation staff will negotiate rates of payment in the best interest of the organization. We will always encourage the pursuit of comparable benefits.~~
(5-3-03)

~~02. **Policy.** It is the policy of the Division to pay the "usual and customary" charges for services provided to itself or to its client/participants by providers of goods or services. The only exceptions to the "usual and customary" considerations are listed in the Payment Policy Chapter of the Idaho Division of Vocational Rehabilitation Field Services Manual, 2002 or addressed as a result of state purchasing rules or superseding Idaho Statute. Exceptions may be required for geographical considerations.~~
(5-3-03)

~~701. -- 999. (RESERVED).~~

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